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TESTIMONY ON SB 6168
Concerning Licensing and Employment Decisions by Children's Administration

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Monday, January 20, 2014 10AM

Senate Hearing Rm 1

J.A. Cherberg Building

Olympia, WA

Good morning Chairman O'Ban and members of the committee, my name is Patrick Dowd and I am with the Office of the Family & Children's Ombuds ("OFCO").

While OFCO remains neutral on specific proposed legislation, we support the intent of this legislation to create a process for individuals who have been denied employment, licensing or unsupervised access to children by Children's Administration to seek review.

As discussed in OFCO's 2012 Annual Report¹, our office frequently receives complaints from individuals denied placement of or access to a child, or find their eligibility for employment is impacted by results of a background check. In many cases, the negative conduct or action occurred many years ago, and the individual is shocked to learn that it now prevents them from working as a nurse or social worker, or caring for a dependent child. While there is an administrative process to challenge the sufficiency of the evidence of child abuse or neglect, there is no avenue for such person to demonstrate that their life and personal circumstances have changed and that they should not be prevented from working with children or other vulnerable populations.

There is obviously a rationale basis for restricting a person's contact with vulnerable populations when there is a prior finding of abuse or neglect. However, the process should also be flexible enough to consider the totality of the person's circumstances and recognize changes made in their life.

¹ OFCO 2012 Annual Report *Life-Long Impact of a CPS Finding of Child Abuse or Neglect, Should Washington State Establish a Procedure to Expunge a Finding of Maltreatment?* (pages 81-84).
<http://www.governor.wa.gov/ofco/>

SB 6168 establishes a process within Children's Administration to review a decision denying employment, licensing or unsupervised access to children. The review process can be initiated by the subject of CA's decision, and permits the individual to submit evidence of rehabilitation, supporting their claim that unsupervised access to a child will not pose a risk to the child's safety or welfare. Additional issues legislators may wish to consider as this bill moves forward include:

- What factors should be considered to determine whether or not a person is "rehabilitated" or "suitable" to have unsupervised access to a child?
- What is the appropriate standard of proof (preponderance; clear cogent and convincing; or beyond a reasonable doubt)?
- Is the standard for review different depending on the type and extent of unsupervised access to a child being considered?
- To what extent is CA involved in hiring decisions of contract service providers?

Thank you for the opportunity to provide you with our testimony on this legislation.